

From: Shemano David A Contr AFRL/SNJM
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:43am
Subject: microsoft settlement

Renata B. Hesse
Antitrust Division
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Dear Ms Hesse,

I am writing to you to exercise my right as an American citizen to comment on the proposed final judgment in the United States vs. Microsoft during this period of public comment, and I would like to thank you personally for the opportunity to do so.

My concern with the proposed final judgment is the way it fails to present a remedy to the strong-arm tactics Microsoft has used in the past against OEM's who would sell computers that include operating systems other than Microsoft's. While the proposed final judgment does make an attempt at a remedy (note: I am not a lawyer, so I may be using the term 'remedy' in a vernacular sense that is its a legal sense) it seems to me that some blaring loopholes remain.

Section III.A.2. Seems to allow Microsoft to retaliate against an OEM who sells a computer with only a non-Microsoft operating system.

Section III.B.3. Seems to allow Microsoft to provide a discount to an OEM who 'plays along' with Microsoft's wishes, which amounts to punishing those who do not.

My other concern is that the proposed final judgment fails to disallow Microsoft's licensing agreements that prohibit interoperability with non Microsoft products. Currently the Microsoft Visual C++ end user license agreement prevents me from using their supposedly ANSI standards compliant development system and compiling my program for a non Microsoft Operating System(!) Microsoft also currently prohibits users from using non Microsoft tools to develop for their .NET platform. Many web sites use the PERL and Python and Java (and others) languages to script the user's experience, but Microsoft wants to put an end to this practice as soon as they start to deploy their .NET web servers. I believe the Proposed Final Judgment fails to address this clearly anti-competitive practice. This is something like GM requiring that you buy their tools to work on their cars and if you use some other vendor's tools your car will be confiscated.

Finally, I believe Microsoft should be compelled to publish the file formats used by Microsoft Office. Microsoft Office is in general a great suite of programs that can compete successfully with any other offerings and those who use it do not need to be shackled to it by its proprietary formats. (What I really believe is that the United States Government should refuse to buy any office applications that do not have an open and published file format, but that is beyond the scope of the proposed final judgment.)

In general, the proposed final judgment is pretty good, and I hope the comments gathered during this public period will be used to craft a final judgment that levels the playing field for everyone and genuinely prevents Microsoft from unfairly leveraging their monopoly any further.

thank you again for this opportunity to participate in this public comment period.

Sincerely,
David Shemano

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